

**Statement of
The Missouri Farm Bureau Federation
to the
U.S House of Representatives
Committee on Agriculture
Subcommittee on
General Farm Commodities and Risk Management
Field Hearing
Jefferson City, Missouri**

**Presented by:
Tom Waters**

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Good afternoon. My name is Tom Waters. I am a 7th generation farmer from Ray County Missouri. I own and operate our family farm in the Missouri River bottoms near Orrick, Missouri. Today, I am proud to represent the Missouri Farm Bureau Federation, the State's largest general agriculture organization. In addition to being a proud Farm Bureau member, I serve as Chairman of the Missouri Levee and Drainage District Association, where I represent farmers, landowners, businesses and others interested in issues surrounding the Missouri River and its tributaries. I am a member of the Missouri-Arkansas River Basins Association Board of Directors and serve as President of three local levee and drainage districts, which combined encompass over 20,000 acres of Missouri River bottomland.

Mr. Chairman and members of the subcommittee, I want to thank you for this opportunity to provide testimony regarding the Missouri River. Farm Bureau especially appreciates your willingness to address the impacts of the Spring Rise on our State's farmers and ranchers and has asked me to share my thoughts with you regarding the United States Army Corps of Engineers plans for increasing flows on the Missouri River twice during Missouri's spring planting season.

I am here to talk about intentional flooding. Yes, intentional. Make no mistakes; intentional flooding is what we are all here to talk about. Some refer to it as increased flows. Some call it habitat enhancement. Some call it a spring rise. But what we are really talking about is intentional flooding.

The US Army Corps of Engineers and the US Fish and Wildlife Service representatives will tell you they do not want to intentionally flood anybody. Don't be so sure! Listen to this exchange between United States Attorney James Maysonett and Federal Judge C. Arlen Beam. Keep in mind; Mr. Maysonett is the Federal Attorney representing both the Fish and Wildlife Service and the Corps of Engineers. This exchange took place last year on April 11th, 2005, in the case American Rivers v. US Army Corps of Engineers.

Again, what you will be discussing today is intentional flooding. If you think the spring rise is anything less, pay close attention. Listen now to the record from the 8th Circuit Court of Appeals in St. Louis.

US Attorney James Maysonett: “ I think what the record shows is that these are relative new ideas. The idea that you would, for example, operate the Missouri system of dams and reservoirs to intentionally flood. That is to create a spring rise.”

The Honorable C. Arlen Beam: “Step back just a second. You said the spring rise, and I hadn’t focused on this, will intentionally flood?”

US Attorney James Maysonett: “Yes, Judge Beam, that is correct. That’s part of the concept of the spring rise is that historically the flooding of the river will obviously have a lot of negative effects, also have positive effects for these species.”

The Honorable C. Arlen Beam: “ I think that reading the Pick and Sloan plans and living through, old enough to live through part of the political ramifications, if there was anything the Missouri River mainstem dams were supposed to do is to control flooding, so, if there’s a priority somewhere hidden in the statutes I think it’s flood control.”

It has become increasingly clear the Corps’ plan for a Spring Rise will be designed to intentionally flood Missouri River Bottomlands. Apparently, the Corps of Engineers and US Fish and Wildlife do not share the same view of this US Circuit Court of Appeals Judge.

Representatives from both agencies describe the spring pulse as a means to connect the river to the floodplain. They tell us the purpose of the spring pulses is to provide some semblance of the “natural hydrograph” which historically inundated the floodplain.

The reason the mainstem reservoir system was built was to protect against the inundation of the floodplain. In their opinion following the April hearing, the 8th Circuit Court of Appeals clearly stated:

“the 1944 Flood Control Act has been interpreted to hold flood control and navigation dominant and recreation, fish and wildlife secondary.”

They went on to say:

“If, due to extreme conditions, the Corps is faced in the future with the unhappy choice of abandoning flood control or navigation on the one hand or recreation, fish and wildlife on the other, the priorities established by the Flood Control Act would forbid the abandonment of flood control or navigation.”

To make itself even clearer the court said,

“If it follows that if future circumstances should arise in which the ESA compliance would force the Corps to abandon the dominant Flood Control Act purposes of flood control or downstream navigation, the ESA would not apply.”

The Corps of Engineers’ 2006 Annual Operating Plan ignores the court’s opinion and includes two opportunities to cause intentional flooding along the river. I fully expect without changes, future Annual Operating Plans will include even greater threats to bottomland farmers as the Corps increases flows.

As we debate the merits of intentional flooding, you must understand we are not just discussing an economic issue or a scientific issue. The issue of intentionally flooding one’s property or bringing harm to another is a moral issue. I, for one, believe it is morally wrong to ever, ever, intentionally cause flooding.

Flooding is wrong. Regardless of how much scientific data or economic information is presented, it is still and always will be morally wrong to flood people. The Spring Rise decision truthfully boils down to a black and white decision about what is right and what is wrong. Intentionally harming others is wrong.

We have seen homes flooded. We have seen entire communities relocated due to flooding. Flooding can take away more than property or things that can be replaced. People who loose their homes or people who have lost the life of a loved one also lose a part of their heart, part of their soul. No amount of money or compensation can repair that type of damage, especially if, it is caused by a man-made flood.

Much has been said in recent weeks about how crop insurance plays into the spring rise. It is amazing the Corps of Engineers would go this far to implement a spring rise without taking a closer look at the crop insurance issues. Crop insurance is one of the most important tools farmers have to help manage risk within their farming operations. The risks associated with the spring rise and the possibility of crop insurance failing to provide coverage is unacceptable and should be better taken into consideration by the Corps of Engineers.

It is my hope this hearing will shed some light on the dangerous direction the Corps of Engineers has taken with their plan to intentionally flood lands along the Missouri River. I am grateful Congressmen Hulshof and Skelton have seen the need for this hearing and thank you for this opportunity to share my thoughts. On behalf of Farm Bureau, I appreciate your time and willingness to serve as Representatives in Congress. I’d be happy to answer any questions you may have at this time.